

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**3:12cv327-V  
(3:97cr23)**

**AQUILIA MARCIVICCI BARNETTE,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**SCHEDUELING ORDER**

**THIS MATTER** is before the Court on its own motion. Petitioner Aquilia Marcivicci Barnette filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 on June 19, 2013. ECF No. 48. On July 19, 2013, Petitioner filed a Motion for Discovery. ECF No. 51.

As required by Rule 4, the Court has conducted an initial review of the Motion, and it does not “plainly appear” that Petitioner is not entitled to relief. See Rules Governing § 2255 Proceedings in the United States District Courts. The parties have agreed upon a preliminary litigation schedule (ECF No. 48 5 n.2), which the Court adopts herein.

**IT IS, THEREFORE, ORDERED** that:

1. The Order of July 30, 2013, requiring the Government to respond to Petitioner’s Motion to Vacate (ECF No. 52) is **VACATED**;
2. The Government shall have upto and including August 19, 2013 to respond to Petitioner’s discovery request;
3. After discovery issues are resolved, Petitioner shall have thirty (30) days to file a motion for evidentiary hearing and brief in support;
4. Thereafter, the Government shall have sixty (60) days to file a motion, brief,

answer, or other responsive pleading; and

5. Petitioner shall have forty-five (45) days to reply.

**IT IS SO ORDERED.**

Signed: August 9, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

